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Dedication to Professor John J. Broderick

Notre Dame Law Review Editors

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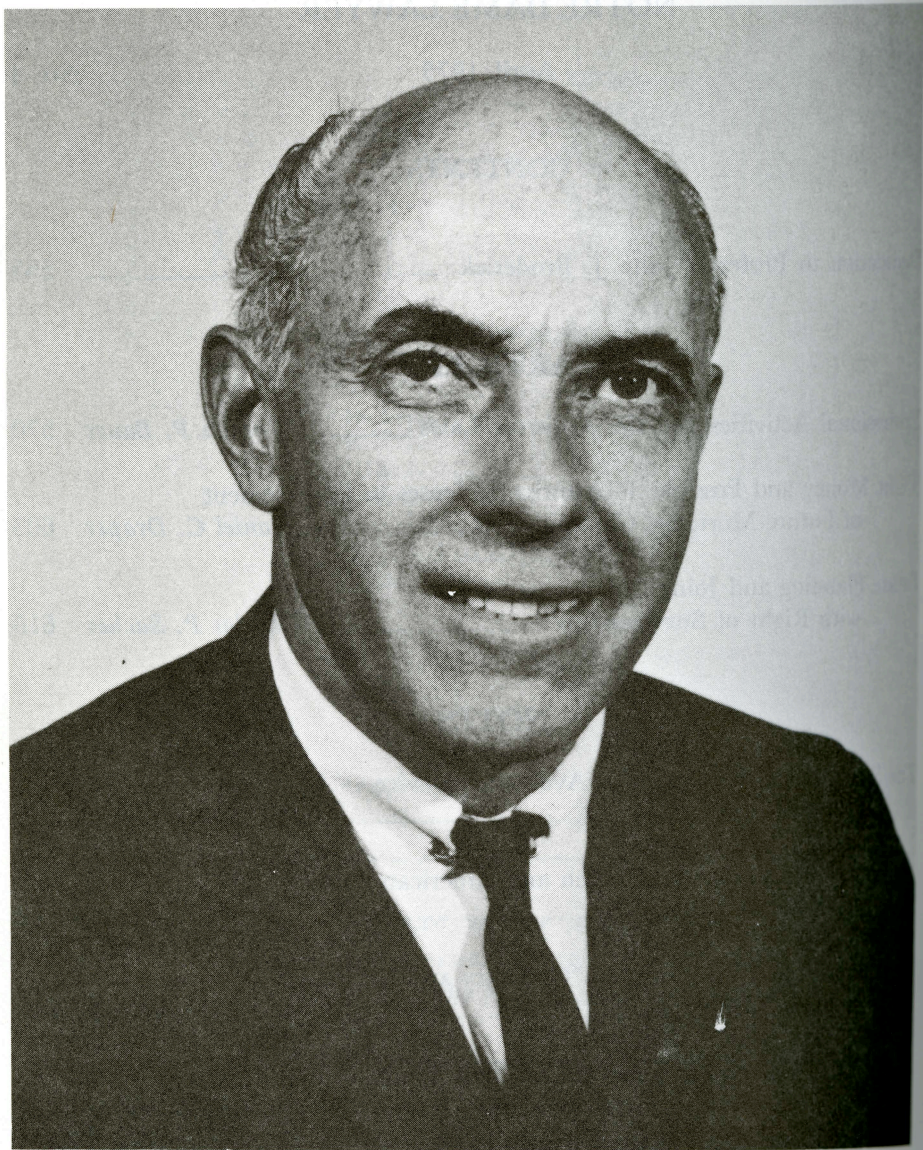
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PROFESSOR JOHN J. BRODERICK

DEDICATION TO PROFESSOR JOHN J. BRODERICK

If the sense of what is just and right be not destroyed by depravity of heart, their fellow citizens are sure to be won over to a kindly feeling toward men whom they see to be so industrious and so modest, who so unmistakably prefer honesty to lucre, and the sacredness of duty to all other considerations.

RERUM NOVARUM (1891)

The editors of Volume 50 of the *Notre Dame Lawyer* proudly dedicate this issue to our only faculty member who was also teaching at the Law School at the *Lawyer's* twenty-fifth anniversary, Professor John J. Broderick, who will become Professor Emeritus at the close of this academic year. "The Chief" is already a legend at Notre Dame. Generations of law students have found the Chief's spirited pep rallies, held before each home football game, a welcome outlet for the head of steam built up under the pressure of study. Nevertheless, it would be as pretentious to dedicate an issue of the *Lawyer* to the Chief as it would be to dedicate an issue to Father Sorin or Colonel Hoynes. Therefore, we dedicate this issue not to our legendary Chief but to Dr. John Broderick, Professor of Law, scholar, teacher, former Dean, and friend of Notre Dame law students for more than a quarter of a century.

It is especially appropriate that the editors of the *Lawyer* should honor Professor Broderick; he has been a contributor to and loyal patron of our journal since he first came to Notre Dame. Three times we have been privileged to publish his work, beginning with his perceptive and forward-looking article in 1948 discussing the future of the Model Code of Evidence.¹ Moreover, no one has been more helpful to *Lawyer* staff writers than Professor Broderick who has been a perennial source of pertinent topics. Two notes in this issue originated with suggestions from Professor Broderick; indeed, his own teaching materials list 13 notes on Evidence and Labor Law topics which can be found in past *Lawyer* volumes.

Priori derogat lex posterior

Old law is dead law. Although stable in its essentials, the law constantly moves in new directions. So indeed does Professor Broderick: Both his career and his personality attest to his vigor and his willingness to break new ground.

Although Professor Broderick is a third-generation lawyer born in New York, he has a special fondness for the South where he received his basic education. He graduated *summa cum laude* from Washington and Lee where he was elected to Phi Beta Kappa. Although we know Professor Broderick loves a Latin phrase, many have been surprised to find that the shirt-sleeved lawyer with the nuts-and-bolts approach to law was a scholar of classics and history and has held scholarships for his work in Latin and Greek.² However, his interests were never limited

1 *The Future of the Model Code of Evidence*, 23 NOTRE DAME LAWYER 226 (1948); *The Physician as an Expert Witness: Some Psychological Aspects*, 34 NOTRE DAME LAWYER 181 (1959); *The Role of the Psychiatrist and Psychiatric Testimony in Civil and Criminal Trials*, 35 NOTRE DAME LAWYER 508 (1960).

2 M.P.A., New York University, 1954; Advanced study funded by the Ford Foundation in 1959 and 1960.

to academic study. Those who have witnessed the white-haired professor jogging around the golf course at dawn can easily appreciate that he was captain of his college track team. By the time he left Washington and Lee he was already the man generations of Notre Dame lawyers would come to know: fast thinking, fast moving, and as playful with words as Cicero.

Upon graduation Professor Broderick returned to New York to study law at St. John's University. After receiving his law degree in 1935, he became associated with the firm of Pross, Smith & Helpert in New York City. He remained there for three years until moving to his hometown of Yonkers and establishing his own practice. During World War II Professor Broderick declined appointment as a commissioned officer and instead became a Chief Petty Officer. This brought him for the first time to Notre Dame where he served as an instructor in the Naval officer training program. In 1947 after spending a postwar stint with the Veteran's Administration, the sailor returned home to Notre Dame at the invitation of Dean Manion and began to teach at the Law School. Although he advanced to Assistant Professor and Assistant Dean and finally to Professor of Law, he has always remained the Chief. Indeed, one of his students remembers a time in the early 1950's when he saw Dean Broderick in the halls after hours mopping up mud and snow. He may have been a Dean but he was never too proud for any task.

Professor Broderick has always been innovative in his approach to teaching law. One of the first courses at the Law School to utilize role playing as a device for practical training in legal problems was his course in labor arbitration which he continues to teach. In his seminar in advanced trial practice, Professor Broderick brings skillful trial lawyers to the Law School so that the students may learn and discuss trial techniques with experienced practitioners. Professor Broderick's innovations were not limited to the Law School. He has pioneered undergraduate legal education; for some years he taught a course in Torts to Notre Dame undergraduates. He believed that an introduction to the excitement and challenge of the law could stimulate their interest in what he knew to be a satisfying career. Indeed, two students in his undergraduate torts class later became *Lawyer* editors. In 1963, Professor Broderick served on two important committees of the Association of American Law Schools: the Committee on Prelegal Education and the Committee on Teaching Law Outside Law School.

Professor Broderick, as a Christian scholar, has never considered the promotion of scholarship to be merely the encouragement of technical mastery of the law. Shortly after arriving at Notre Dame, he demonstrated his interest in ethical education by reviewing in this journal a book on the encyclical, *Quadragesimo Anno*.³ Twenty years before Watergate raised a flood of concern about the ethical education of lawyers, Professor Broderick had helped conduct a survey and prepare a report for the Association of American Law Schools evaluating the training in legal ethics at member schools. In his analysis of the duties of an advocate, in his anecdotes, and by his personal example, Professor Broderick strives to instill a sense of honesty and charity, especially when the pressures of practice discourage these virtues.

3 23 NOTRE DAME LAWYER 414 (1948).

As he has encouraged scholarship, he has always believed that equal work merits equal recognition. Convinced that three years of postgraduate legal education is as rigorous and demanding as the pursuit of a Ph.D., he was a leading advocate of awarding law school graduates the degree of juris doctor. This practice is now followed not only at Notre Dame but at most law schools across the country.

Professor Broderick's concern for scholarship has not been limited to the Law School or those who study law. It was largely through his efforts that a chapter of Phi Beta Kappa was brought to Notre Dame. Since its establishment, Professor Broderick has served as treasurer, vice president, and president. He has constantly sought to create ties between the Law School and other facets of the University. One early cooperative venture which has lasted more than 20 years is the annual Union-Management Conference at Notre Dame sponsored jointly by the Department of Economics and the Law School. Throughout the years Professor Broderick has served as assistant chairman to Father Fitzgerald of the Department of Economics and as a member of the planning committee. After the first meeting Professor Broderick suggested that the proceedings be published; Father Fitzgerald and Professor Broderick have been coeditors of the annual publication ever since.

In reminiscing about his work with Professor Broderick, Father Fitzgerald pinpointed two of Professor Broderick's most notable characteristics. One is his energy in organizing a task. Father Fitzgerald remembers that Professor Broderick has often been at a conference at seven in the morning to assist with arrangements after undertaking a double teaching load the previous day. The same energy has gone into the organization of his courses and preparation of extensive teaching materials. The other trait, one for which all of us will remember him, is the loyalty Professor Broderick shows to his students. Anytime he must miss a class, he reschedules it, often teaching the same class several times so that every student has a chance to attend. His concern, however, is best expressed in the exhaustive attention to detail displayed in his classroom presentation. He willingly spends endless hours updating his lectures to include the most recent legal literature. Further, he has prepared voluminous materials in both Evidence and Labor Law which have been invaluable to his students as they attempt to comprehend the befuddling array of exceptions to the hearsay rule or the nuances of impeaching a witness. Perhaps the finest testament to his insight as a teacher and his ability to predict the future has been his advocacy of the recently enacted Federal Rules of Evidence; for many years he has expounded the virtues of the Federal Rules to his students.

Professor Broderick has also performed tirelessly on behalf of hundreds seeking his assistance in obtaining positions with law firms, corporations, government agencies, and the courts. Because of the esteem and affection with which he is remembered by his former students, a network of ties binds Professor Broderick to all segments of the legal profession.

Most important, the Chief has been a concerned friend as well as a scholar and a teacher. His offers to help find part-time work for financially strained students and his willingness to share a concern of any student are well known to

all of us. Indeed, the Chief has often sought out students to offer his aid when he hears they have difficulties of any kind. His presence has added a special dimension to our study of law, a dimension that will stay with all of us throughout our lives. Thus, we dedicate this issue of the *Lawyer* to Professor John Broderick, a scholar, a teacher, but even more, a noble friend and truly the embodiment of the spirit of Notre Dame.

Faculty Resolution

John J. Broderick has become an indispensable part of the spirit and climate of the Notre Dame Law School. He has, for nearly thirty years, characterized in himself the aspirations which give this Law School a claim on the affection of American lawyers everywhere.

We are Professor Broderick's faculty colleagues; many of us were his students and all of us, in one way or another, learn from him. We are happy to join in the *Notre Dame Lawyer's* salute to "the Chief," as he has been known since he came to Notre Dame in the World War II naval officers' training program.

The Chief embodies, in a way all his own, the ideals and spirit of our school. His contribution to us, and to others in a generation of lawyers who studied here, is enormous. No one within memory has touched so many minds and hearts, or endeared himself to so many students—not only law students, but students all over the campus. The Chief, in this respect, rivals the legend of our school's first dean, "the Colonel," William James Hoynes, who presided over the affections of Notre Dame law students at the turn of the century as Jack Broderick presides over them now.

His has been a pervasive presence. It reaches out to those in need of counsel and encouragement as much as to those in need of instruction. From the moment he arrived on this campus, he has gone about doing good.

The Broderick legend is made of stern stuff. His dramatic, ebullient personality is fed by deep springs. He lives an intense spiritual life. With what Aquinas called magnanimity, he manages to make it seem easy to give abundantly. It is a privilege to work with him, and, among our fellow lawyers, to publish our esteem and indebtedness to this beloved friend and teacher.

*The Dean and Faculty
Notre Dame Law School*